

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LAMINA PACKAGING INNOVATIONS LLC)	
)	
Plaintiff,)	
)	Case No. 2:13-cv-00148
v.)	
)	Jury Trial Demanded
BEATS ELECTRONICS, LLC)	
)	
Defendant.)	

BEATS' UNOPPOSED MOTION TO STAY

Pursuant to 28 U.S.C. § 1659, Defendant Beats Electronics, LLC (“Beats”) moves to stay the above-captioned litigation pending a final determination by the International Trade Commission (“ITC”) on the same issues between the parties under consideration in that forum. Beats has conferred with the Plaintiff, Lamina Packaging Innovations LLC (“Lamina”), and confirms that they do not oppose this motion.

ARGUMENT

Under 28 U.S.C. §1659, a party to a civil action that is also a respondent in an ITC proceeding may seek an automatic stay of the district court action until the determination of the Commission becomes final, provided that a request is made within 30 days after the party is named as a respondent in the proceeding before the ITC. *See Id.* The stay is one of right, as the statute notes that the district court “*shall* stay” proceedings in the civil action, so long as the request is made in a timely fashion. *See Id.*

Beats represents that all conditions to an automatic stay have been met. As indicated by the attached Notice of Institution of Investigation (see Exhibit A), both Beats and Lamina are involved in a proceeding before the ITC. The proceeding was initiated by the ITC on

March 22, 2013, making this motion timely under §1659. Also, the same issues are involved in both this case and the ITC proceeding, namely, Lamina's allegation that Beats has infringed U.S. Patent No. 6,207,242 and U.S. Patent No. 7,348,067. *Compare* Exhibit A with Complaint (Dkt. No. 1).

CONCLUSION

Based on the foregoing, Beats respectfully requests that its motion for a stay be granted, and that the above-captioned litigation be stayed pending a final determination by the ITC.

Dated: March 29, 2013

Respectfully submitted,

/s/ Michael E. Jones

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**ATTORNEY FOR DEFENDANT
BEATS ELECTRONICS, LLC**

CERTIFICATE OF CONFERENCE

By communications on March 28, 2013 with Lamina's counsel, Beats has complied with the "meet and confer" requirement of Local Rule CV-7(h). Lamina does not oppose Beats' motion to stay.

/s/ Michael E. Jones

Michael E. Jones

CERTIFICATE OF SERVICE

I certify that on March 29, 2013, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Michael E. Jones
Michael E. Jones

NGEDOCs: 2071219.1